



Sahtu Land Use Planning Board

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These summary notes were recorded by SLUP staff. They are subject to errors of interpretation or omission. This document presents a summary of key discussion points. It is not intended to serve as transcripts of the meetings.

Requested changes documented in these notes do not mean that the Board will make these changes. Some requests are beyond the Board's mandate or jurisdiction to address. The Board must consider all comments and requests and balance the interests of multiple parties. The Board will revise the Plan as it deems appropriate to achieve the right balance.

Ducks Unlimited Canada Comment Follow-up

Date: November 23, 2010, 1:30 pm – 2:30 pm

Where: Teleconference

Participants:

Heidi Wiebe, SLUPB

Shannon Hazard, Ducks Unlimited Canada

Jason Charlwood, Ducks Unlimited Canada

a. New CRs (p5) – Area of application? Overlap with existing CRs?

DUC: Would like a CR to specifically require maintenance of water flow (hydrological connectivity) across the landscape – disruption of water flow (above and below the surface) can have big downstream impacts on habitat leading to negative impacts on waterfowl populations. Existing CRs (#5 – Watershed Management, #7 Wildlife, and #8 General Environmental Impacts) may indirectly overlap with this concept, but would like to see specific mention in one of these CRs so that the concept is not overlooked by regulators. The goal is to maintain water flow to the greatest extent possible across the landscape.

Heidi asked where it would be applied. A direct reading would suggest that no roads or well pads would be allowed anywhere.

DUC: The intent is not to stop development by not allowing any roads or well pads. The intent is to make careful decisions about the placement of roads or well pads so that they don't inadvertently impact water flow.



DUC would like to see this CR applied to all watersheds within SMZs and GUZs, not just those that contain CZs or PCIs. If maintaining healthy waterfowl populations is important to the people of the Sahtu and Canadians, then we need to manage habitat at a landscape scale in all zones because breeding waterfowl are distributed in such low densities across the landscape in the Sahtu.

How to do this? In areas where development does occur, Shannon suggested that if operators avoided building roads or well pads across fens, it would greatly minimize potential impacts on water flows and on waterfowl populations.

Jason added that this will also help other species that rely on wetland areas – moose, beaver, muskrat, etc.

Heidi asked how this is dealt with in the current regulatory system, if this is being proposed because of a regulatory gap, or if it is a general concern.

DUC: They don't know if there are current impacts on hydrological flow in the Sahtu. They are not involved in land use applications to know if it is currently an issue or is being dealt with. They just want to ensure regard is given to the issue of hydrological connectivity in land use decisions. They will forward the Federal Wetland Policy to Heidi. No one is enforcing or looking at this. No one is thinking about this. They want this consideration to be a standard consideration in regulatory decisions. The Policy states a goal of no net loss of wetland function. It's not even based on area (i.e. no net loss of wetland habitat) which would be easier to track. They are trying to be clearer by focusing on maintaining hydrological connectivity. Shannon will check with her people on where these upland recharge areas are to see if they can be mapped. Shannon also committed to looking into how the issue is currently being managed to provide greater context for this request. Jason will send federal wetland policy documents to Heidi.

There was a discussion around alternatives to a new CR, which Heidi stated may be problematic this late in Plan development. Other options include amending existing CRs, (e.g. add on to CR 5, or 7 (map for important waterfowl areas similar to that of caribou), or 12 (map for upland recharge areas).

Shannon will look into alternatives to adding the intent of the proposed CRs into the plan, situating this into the current regulatory regime, and looking into where these recharge areas might be. She added that if targets were in place, this may not be needed at all.

b. Adaptive Management Framework – Considering existing CRs, Actions, Recommendations and Plan review cycle, what more is expected?

Shannon: She doesn't necessarily think anything is missing. She has found it frustrating dealing with government on cumulative impacts management. There doesn't seem to be a lot of institutional understanding that for any plan you need to make plain your assumptions, test and research those assumptions, monitor the results, and make changes as appropriate. There seems to be a lot of disconnect between all the different components and a lack of realization that they all need to be in place and working for everything to work well. Society will not receive the full potential of each of the components unless they are all connected.



Heidi identified how the different actions are intended to provide new information for the 5 year review to address issues and achieve the goals. Perhaps the Plan needs to make its own internal linkages clearer. She suggested a chapter 1 section, drawing all the components of the Plan together.

Shannon suggested that the Plan needs to warn against cherry picking certain sections and ignoring others. There was a discussion about the language used by the JRP that the conclusions are based on acceptance and implementation of the report in its entirety and that if some of it were not implemented, then the conclusions would no longer be valid. The Plan requires some similar message.

c. Implementation of targets for development

Shannon: If there is no pipeline in the next 5 years, then maybe we have time to look at this through the working group. If the pipeline is to be built, we'd want targets in place. The point of targets is not perfection, it's a starting point and a mechanism to learn.

Heidi talked about the rationale for trying to advance targets through the Sahtu Working Group rather than putting them in the plan now. There is no appetite for them now. With CIMP being funded and getting down to work, that's a positive step. In 5 years, maybe they'll have something. Backing off on targets will also take the pressure off so people can relax and be more willing to look at solutions, knowing they won't lead to an immediate cap on activity. We can also see what happens with targets implemented through the North Yukon Plan and AB planning processes.

Shannon: We are very supportive of targets. If there is anything we can do to advance those in the land use plan, let us know. We have talked to Steve Kennett about getting his help on this and that's a possibility for the future if need be.

d. Sahtu Working Group

No further discussion. Covered under earlier discussions re adaptive management and targets.

e. Miscellaneous Questions

Shannon asked about INAC comments on application of the Plan to below-threshold activities.

Heidi responded that the Board sees the Plan as applying to all licences, permits and authorizations as per S. 46(1) of the MVRMA and disagrees with INAC's comment. INAC is following up on this internally.

Shannon asked about INAC comments to open subsurface of some conservation zones, how that would work and if it could be opened to only oil and gas and not minerals.

Heidi responded that this had been raised on Draft 2 as well and the SLUPB had asked INAC to demonstrate that the surface could be protected without fail if we agreed. INAC responded that seismic would still be required to guide directional drilling so the Board maintained subsurface protection in the Plan for Draft 3. The Plan can specify what uses are allowed or not allowed individually, and whether both the surface, or surface and subsurface are protected. We have



that flexibility. But the Board has always said it will steer clear of anything that would infringe on holders' rights. Allowing subsurface rights to be issued and developed but prohibiting surface access infringes on the exercise of subsurface rights. With this being raised again in Draft 3, the Board will have further discussions on it, but so far there is no new information being brought forward for our consideration. The Tulita District in their comments has said that they will not support directional drilling beneath Conservation Zones.